

**EXHIBIT E**

FAMILY COURT OF THE THIRD CIRCUIT

THIRD CIRCUIT COURT  
STATE OF HAWAII  
FILED

STATE OF HAWAII

Oct 22 3 51 PM '99

FC-DA No. 99-244K

*b7d b7c b7e*

ELEANOR KAUPU-FONTES,

Petitioner,

vs.

GERALD FONTES,

Respondent.

NOTICE OF TEMPORARY  
RESTRAINING ORDER AND  
NOTICE OF HEARING

NOTICE OF TEMPORARY RESTRAINING ORDER  
AND NOTICE OF HEARING

TO THE DEFENDANT: GERALD FONTES

**READ THIS DOCUMENT CAREFULLY!**

The Temporary Restraining Order for Protection attached to this notice applies to you now. The order will remain in effect for 90 days from the date that the Order was signed by a judge unless the judge changes the Order at a court hearing. Read the Temporary Restraining Order for Protection carefully and obey the Order.

Any violation of the attached Temporary Restraining Order for Protection is a misdemeanor, and is punishable by a jail term of up to one year, as well as a fine of up to \$1,000.

You are ordered to appear before the presiding judge of this Court at the date, time, and place listed below. At this hearing you will be required to show cause why an order for protection should not be continued against you.

Hearing Date: NOVEMBER 2, 1999 Hearing Time: 10:30 A.M.

Hearing Place: LENDERS DOCUMENT SERVICE BUILDING  
77-6399 Nalani Street, Kailua-KOa, HI 96740

If you wish to seek the advice of an attorney in this matter, you should do so immediately. You must appear at the hearing scheduled with or without an attorney. If you fail to appear at the hearing, a bench warrant may be issued for your arrest.

Legal and family problems can be difficult and emotionally upsetting. If you need help in the form of emotional support or someone to talk to, telephone Island Crises Help at 329-9111 or 969-9111. The service is available 24 hours a day and is free and confidential.

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This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a judge of the district or circuit courts permits, in writing on the summons, personal delivery during those hours.

This summons may be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public. \_\_\_\_\_

Judge

DATED: OCT 22 1999Carolyn Gaudale  
CLERK OF THE COURT

## IN THE FAMILY COURT OF THE THIRD CIRCUIT

## STATE OF HAWAII

ELEANOR KAUPU-FONTES,	)	FC-DA NO. <u>99-244K</u>
Plaintiff (Petitioner),	)	<u>TEMPORARY RESTRAINING ORDER</u>
vs.	)	<u>(GRANTED/DENIED)</u>
GERALD FONTES	)	Hearing Date: <u>November 2, 1999</u>
Defendant (Respondent).	)	Judge: <u>COLIN L. LOVE</u>
<hr/>		
THIS ORDER EXPIRES ON:		
<u>January 19, 2000</u>		

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TEMPORARY RESTRAINING ORDER

Based upon the Ex Parte Petition for a Temporary Restraining Order for Protection and Statement of the Plaintiff and pursuant to HRS Section 586-4(b), the Court finds there is probable cause to believe that a past act or acts of abuse have occurred, or that threats of abuse make it probable that acts of abuse by the Defendant may be imminent.

It appears to the Court that a Temporary Restraining Order for Protection should be granted and is necessary to prevent acts of abuse or recurrence of actual domestic abuse by requiring that the parties be separated for a specific period.

IT IS HEREBY ORDERED that the Defendant appear before the Judge in the above-entitled proceeding at the date, time and place indicated in the attached Notice of Hearing to show cause why this temporary restraining order should not continue.

[ ] The court also finds the Defendant owns, intends to obtain or possesses a firearm and that the firearm may be used to threaten, injure or abuse a person.

## DEFENDANT ABOVE NAMED

This Order applies to you now!  
Read this entire Order carefully!

THIS ORDER BECOMES EFFECTIVE ONCE IT HAS BEEN SIGNED AND FILED,  
THE ORDER REMAINS IN EFFECT FOR NINETY (90) DAYS UNLESS THE COURT  
CONTINUES OR TERMINATES IT.

FC-DA 9 9 - 244K

**TO THE DEFENDANT  
YOU AND ANYONE ACTING ON YOUR BEHALF  
ARE ORDERED AS FOLLOWS:**

1. Do not threaten or physically abuse the Plaintiff or anyone living with the Plaintiff.
2. Do not contact, write, telephone or otherwise electronically contact (by recorded message, pager, etc.) the Plaintiff including where the Plaintiff lives or works.
3. Do not visit or remain within 100 yards of any place where the Plaintiff lives or works.  
**Do not violate this order even if the Plaintiff invites you to be at the place where the Plaintiff lives or works.**

W  Immediately leave the residence located at 37 Opukoa St., Nualehu 96772 and don't go back until this order is changed.

W  Do not have contact with:  
Conrad Kaupu,  
Bobby Kaupu,  
Rainatu Kaupu - Fontes,  
and  
the minor children.

        Do not have any contact with:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, and  
\_\_\_\_\_, who live with Plaintiff or are Plaintiff's family members.

**FIREARMS PROHIBITION**

IT IS ORDERED, pursuant to HRS Section 134-7(f), that Defendant is prohibited from possessing or controlling any firearm, ammunition, firearm permit or license for the duration of this order or extension thereof. All Permits/Licenses are hereby revoked. Defendant shall immediately turn over all firearms, ammunition, permits and/or licenses to a police officer or to the Police Department of the County of Hawai'i, for the duration of this order or extension thereof, unless the Defendant is granted a police/law enforcement/armed forces/government personnel, on duty firearms only exemption, pursuant to HRS Section 134-11(a) and (b) by

FC-DA  
9 9 - 244K

A copy of this order shall be forwarded to Defendant's chief, commanding officer or administrator (name/address) for determination of exemption, if any: \_\_\_\_\_

Information on Defendant:

Name: GERALD FONTES

Address: 37 Opukoa Street, Naalehu, HI 96772

Date of Birth: 08/28/64 Telephone No. \_\_\_\_\_

Social Security Number: 575-98-4748

IT IS FURTHER ORDERED THAT:

1. An officer of the Police Department shall personally serve the order and related documents and shall accompany the Plaintiff and assist the Plaintiff in securing possession of any dwelling or residence that the Defendant is ordered to vacate.
  
- \_\_\_\_\_  
[ ] Filing fees are waived.

ANY VIOLATION OF THIS TEMPORARY RESTRAINING ORDER FOR PROTECTION IS A MISDEMEANOR AND MAY BE PUNISHABLE BY A JAIL SENTENCE OF UP TO ONE YEAR AND/OR A \$1,000 FINE. [HRS Section 586-4(c)]

DATED: KEALAKEKUA, Hawai'i, 22 Oct 99.

  
\_\_\_\_\_  
Judge of the above-entitled Court

IN THE FAMILY COURT OF THE THIRD CIRCUIT: STATE OF HAWAII:  
FC-DA 99-244K; ELEANOR KAUPU-FONTES vs. GERALD FONTES

FAMILY COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

FC-DA No. 9 9 - 244K

Ex Parte Petition For A  
Temporary Restraining  
Order For Protection

Eleanor  
Kaupu-Fontes

Plaintiff

v.s.  
Gerald  
Fontes

Defendant (or Respondent).

Counsel for Plaintiff:  
(Address & Phone Number)

EX PARTE PETITION FOR A TEMPORARY RESTRAINING ORDER  
FOR PROTECTION

Plaintiff In support of this Petition alleges that:

1. I reside on the Island of Hawaii.

(1) My residence address is 37 Opukaea St.

My home telephone number is 929-7655 and my work telephone number is  
322-2790. My mailing address is POB 849 Naalehu

[ ] I ask that my address and telephone number be kept confidential and I am supplying this information to the court on a separate form.

2. I am applying for protection:

for myself.  for the following persons who are minors, Incapacitated, or physically unable to complete or file this Petition:

Name:	Relationship to me:	Date of Birth/Age:
Conrad Kaupu	Son	11-6-87
Bobby Kaupu	Son	12-18-89
Kainalu Kaupu-Fontes	Son	11-6-92

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3. I have the following relationship with the Defendant above named:

- we are married.
- we were married, but are now divorced.
- we are the parents of the same minor child(ren).
- we are parent and child.
- we are related by blood as follows: \_\_\_\_\_
- we last lived together on \_\_\_\_\_
- we are now living together.

4. The following domestic abuse has occurred:

- A.  physical harm, bodily injury, or assault.
- B.  threat(s) of imminent physical harm, bodily injury, or assault.
- C.  an intentional or knowing course of conduct that serves no legitimate purpose and which was directed at the Plaintiff and/or persons residing with the Plaintiff which has seriously alarmed or disturbed, or consistently bothered the Plaintiff or persons residing with the Plaintiff.
- D.  malicious property damage.

E.  an act committed against a minor family or household member by an adult family or household member which would constitute an offense under Section 709-906, or under Part V. or VI. of Chapter 707 of the Hawaii Revised Statutes.

F.  \_\_\_\_\_

5. I  do not believe that the Defendant owns, intends to obtain, or possesses a firearm and that the firearm may be used to threaten, injure, or abuse any person.

Plaintiff asks the Court to immediately issue an Ex Parte Temporary Restraining Order for Protection that orders the Defendant and any other person acting on behalf of the Defendant:

- A.  not to threaten or physically abuse the Plaintiff or any other persons sought to be protected by this Petition.
- B.  not to personally contact:
  - the Plaintiff.
  - the following minor children: Conrad, Bobby, Kaihue
  - \_\_\_\_\_
- C.  not to visit or remain within 100 yards of any place where the Plaintiff lives or works.
- I understand that if this relief is granted that I cannot invite the Defendant into my residence until the court changes this order.
- D.  to vacate the residence located at 37 Opukoa St. Naalehu 96772

I understand that if the court grants the relief that I have requested the court order will be in effect until a court hearing can be scheduled. I also understand that we must follow the terms of this order until the court hearing and that I can request changes in the order at the court hearing.

The Plaintiff declares under penalty of perjury, that the statements made herein are true and correct to the best of the Plaintiff's knowledge, information, and belief.

Dated: 10/22/99, 199\_\_\_\_

Shawn Kaupele  
Plaintiff's Signature

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

FC-DA No. 9 9 - 244K

Eleanor  
Kaupu-Fontes

Petitioner (or Plaintiff),

PETITIONER'S STATEMENT

vs.

Gerald Fantes

Respondent (or Defendant).

PETITIONER'S STATEMENT

IF YOU ARE SEEKING A TEMPORARY RESTRAINING ORDER FOR PROTECTION  
ANSWER THE FOLLOWING QUESTIONS AS COMPLETELY AS POSSIBLE.

1. Provide the following information:

Your date of birth: 3-2-65

Your social security number: 575-88-6894

Respondent's date of birth: 3-28-64

Respondent's social security number: 575-98-4748

2. Describe the relationship between the parties and the length of the relationship:

6 yrs married, lived together 7 years prior.  
still live together off and on.

QKF

3. If you are seeking protection for an adult family or household member who is  
incapacitated or physically unable to complete this petition, identify this person and explain why  
the person cannot seek protection.

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4. Has the Respondent committed recent acts of domestic abuse (or made recent threats of domestic abuse) towards the Petitioner? If so, describe the abuse and/or threats and state when these actions occurred. (Attach additional pages if more space is needed.)

Oct 21<sup>st</sup> at approx. 9-9:30. Respondent was upset their son used his clothes; he yelled "I hate it when people use my stuff. Petitioner went to see what was happening. Respondent went towards the bathroom to take a shower he was kicking the door and slamming the door. Petitioner asked him to leave the house. Respondent said "sometimes I just like hit you". The Respondent moved his hand in a fist towards her as if he was going to hit her and ended up slapping her on her right cheek. Respondent then went in the bathroom to take a shower, then he left the house. Respondent did not return to the house until 10-22-99 am. His attitude was very apologetic at that time. 2KF

5. Has the Respondent committed recent acts of domestic abuse (or made recent threats of domestic abuse) towards other family or household members? If so, identify the family member threatened or abused, describe the abuse and/or threats, and state when these actions occurred. (Attach additional pages if more space is needed.)

NO

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6. Is there a history of past domestic abuse by Respondent against family or household members? If so, please describe.

Respondent has threatened to kill petitioner several times. He has pulled her hair, dragging her around, hit her with his fist and knocked her out. Lots of verbal abuse.

JKT

7. Does the Respondent [ ] possess, [ ] own, and/or [ ] intend to obtain any firearms or ammunition? Yes  No

If you checked "Yes", complete the following with as much detail as possible.

A. Describe the firearms and ammunition by make, caliber, manufacturer, or provide a detailed description of the firearm and ammunition.

B. Describe the known locations of such firearms and ammunition, noting address, directions to address, detailed description of the structure. (Attach additional pages if more space is needed.)

C. If the firearms are known to be located in a vehicle, what is the make, model, license number, color of the vehicle.

Who is the registered owner of the vehicle?

D. How long has the Respondent had the firearms and ammunition in his/her possession?

FC DA 9 9 - 24 4K

E. Does the Respondent own the firearms and ammunition?

NO

F. When was the last time you observed the firearms or ammunition?

N/A

8. Has the Respondent ever threatened or used weapons against any family or household member? Yes L No If so, describe the incident, the weapon and the date that the incident occurred.

9. Is there any other reason that you fear that the Respondent may use a firearm to threaten, injure, or abuse any person? NO

10. Do you believe that the Respondent presently has a drug or alcohol problem? If so, describe the problem.

alcohol and drugs. Ice, cocaine, Pot  
drinks beer. When high he's very nice,  
When he comes down he gets very  
mean. 2KT

11. Do you believe that the Respondent presently has a mental illness or emotional disability? If so, please describe the problem.

depressed all the time. He always says he  
wants to kill himself w/ a gun and  
make his family watch him. 2KT

FC-DA 10 9-24 4K

12. Have any other legal proceedings been filed in court between you and the Respondent?

No  Yes If your answer is "Yes", list the name of the case, the case number, where the case was filed, and the date the case was finished. (If you do not have all of this information, supply as much information as you do have.)

1-7-99 Respondent was arrested for disorderly conduct, resisting arrest. He was later bailed out.

JK7

13. Supply the information requested below for all minor children of the Petitioner and Respondent as well as all other minor children that live in your household:

<u>Child's Name</u>	<u>Birthdate</u>	<u>Mother</u>	<u>Father</u>	<u>Do you seek a Protective Order for this child?</u>
Conrad Kaupu	11-6-87	Eleanor	Gerald	Yes
Bobby Kaupu	12-18-89	"	"	"
Kainalu Kaupu-Fontes	11-16-92	"	"	"

14. If you are seeking a protective order for any of the children named on the previous page, complete items A-C below.

A. Is there a custody and/or visitation order that has been issued by a court for any of the children for which you are seeking an order for protection? Yes  No If the answer is "Yes", describe what the order says or attach a copy of the order if it is available.

B. If you are seeking a protective order for children listed above, describe where each child has been residing and name all adults that have been residing in the home of each child for the last three months.

Conrad Kaupu  
Bobby Kaupu  
Kainalu Kaupu-Fontes

Live with  
Eleanor Kaupu-Fontes

FCDA 9 9 - 244K

C. Are you requesting any change in arrangements about where each child lives and visits?

Yes  No If the answer is "Yes", explain why the change in arrangements is needed.

15. Will you or the Respondent require any special assistance at the court hearing (i.e. translation services, special access needs)? *NO*

16. Is there anything else that you would like the Court to consider in reviewing your application for a protective order?

*Mandate her into drug and alcohol assessment*

*AKF*

I solemnly and sincerely declare, under penalty of perjury, that the statements made in this document are true and correct to the best of my belief, information, and knowledge.

Dated: 10-22-99

*Melanie Kaupu-Schultz*

Petitioner's Signature

Assisted by:  Attorney  ATV  Crisis Shelter  Family Court Officer

## FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

ELEANOR KAUPU-FONTES,

Petitioner,

vs.

GERALD FONTES,

Respondent.

FC-DA No. 99-244K

99-244K-2 M/11:24

*I. Dicker*  
T. DICKER  
CLERKFAMILY COURT  
ORDER FOR PROTECTIONHearing Date: NOV 02 1999  
Judge: COLIN L. LOVE

This Order Expires On: FEBRUARY 2, 2000

## FAMILY COURT ORDER FOR PROTECTION

Present at the hearing:

 Petitioner  Petitioner's Attorney \_\_\_\_\_ Respondent  Respondent's Attorney \_\_\_\_\_ Alternatives To Violence Representative KIMBERLY HAWKINS \_\_\_\_\_

An application for an order for protection (restraining order) was heard on the date indicated above. After full consideration of the positions of the parties and/or the evidence, the Court finds that the parties have failed to show cause why the order previously issued should not be continued, that a protective order is necessary to prevent domestic abuse or a recurrence of abuse, and that jurisdiction exists under Hawaii Revised Statutes Chapter 586. Good cause appearing therefore,

IT IS HEREBY ORDERED that this Family Court Order for Protection shall be issued and shall remain in effect until the expiration date indicated in the caption above.

## TO THE RESPONDENT AND THE PETITIONER NAMED ABOVE:

Read and review this order carefully! Effective immediately the orders that were initiated by the judge below apply to you and any persons acting on your behalf.

## YOU ARE ORDERED AS FOLLOWS:

## A. THREATS AND ABUSE

Respondent shall not threaten or physically abuse the Petitioner or any other persons residing with the Petitioner. Respondent shall not maliciously damage any property of the Petitioner or property of members of the Petitioner's household.

Petitioner shall not threaten or physically abuse the Respondent or any other persons residing with the Respondent. Petitioner shall not maliciously damage any property of the Respondent or property of members of the Respondent's household.

**B. CONTACT BETWEEN THE PARTIES**

~~(1)~~ Respondent and/or Petitioner shall not personally contact the other party, and shall not visit or remain within 100 yards of the residence or place of employment of the other party.

~~(1)~~ Respondent and/or Petitioner shall not telephone the other party.

( ) Respondent and/or Petitioner may have personal contact with the other party only in a public place where other adults are present.

( ) Respondent/Petitioner shall not contact or visit with the minor child(ren) of the parties at home, at school, or at baby sitter's or child care provider's except as permitted in Subsection C. below.

~~(1)~~ Notwithstanding the foregoing order, RESPONDENT may have LIMITED contact with PETITIONER by telephone and/or in person for the purpose of ARRANGING FOR VISITATION WITH THE CHILDREN.

( ) Respondent/Petitioner shall vacate the residence located at \_\_\_\_\_ and shall not enter or remain within 100 yards of this residence so long as this order remains in effect. Petitioner/Respondent is awarded the exclusive right to occupy this residence. THE PARTY ORDERED TO VACATE THIS RESIDENCE SHALL NOT ENTER THE RESIDENCE EVEN IF INVITED TO DO SO BY THE OTHER PARTY.

~~(1)~~ Respondent/Petitioner shall not enter or remain within 100 yards of any home or shelter where the other party is staying on a temporary basis. DO NOT ENTER THIS HOME OR SHELTER EVEN IF THE OTHER PARTY INVITES YOU TO DO SO.

( ) Respondent/Petitioner may pick up such personal belongings as are mutually agreed upon at the residence identified above. The other party must be notified at least 24 hours in advance of the date and approximate time that the pickup of belongings will occur. The visit is limited to 15 minutes to remove essential personal items only. A police escort must be present during the visit. To arrange for a police escort, call your district police station.

( ) \_\_\_\_\_

**C. TEMPORARY CUSTODY AND VISITATION**

Provisions for custody and visitation established by this order are temporary measures designed solely to prevent further domestic violence or threats of domestic violence. Police and/or law enforcement authorities are not authorized to settle visitation disputes and shall place any children that are subject to such disputes with the temporary custodian. The parties may seek appropriate relief from Family Court for any disputes as to child visitation. These orders were granted with minimal inquiry as to what custody/visitation arrangement serves the best interests of the child(ren) and should be freely modified by any court in any subsequent proceeding.

Until this Court Order expires or is modified, Petitioner/Respondent shall have temporary legal and physical custody of THE PARTIES MINOR CHILDREN

Until this Court Order expires or is modified, Respondent/Petitioner shall have the following temporary visitation rights with the child(ren) of the parties:

See Exhibit A attached hereto and made a part hereof by reference.

PARTIES AS AGREED UPON BETWEEN THE

The party with visitation rights shall not consume or be under the influence of alcohol and/or prohibited drugs or substances for 24 hours prior to and/or during visits with the child(ren).

Visitation with the child(ren) shall occur only in the presence of \_\_\_\_\_.

All temporary visitation shall be arranged so that there is no direct physical contact between the Petitioner and the Respondent.

Respondent and/or Petitioner shall not remove the minor child(ren) above named from the County of Hawaii until this Order is modified or changed.

#### D. SERVICES AND COUNSELING

Respondent/Petitioner shall attend and fully participate in the Alternatives To Violence Program. AN ANGER MANAGEMENT PROGRAM.

Petitioner/Respondent shall attend and fully participate in the Women's Support Group of the Alternatives To Violence Program.

Respondent and/or Petitioner shall obtain and complete a substance abuse/alcohol abuse assessment and shall follow any specific recommendations for treatment and/or counseling until further order of the court.

Until further order of the Court, Respondent and/or Petitioner shall fully participate in treatment/counseling with \_\_\_\_\_.

Each party required to obtain services under this order shall: (1) contact the appropriate program/service provider within one week after the entry of this order, (2) attend each and every counseling/treatment session unless excused by the therapist or until clinically discharged, and (3) pay for the services.

A copy of the Petition and Order in this action shall be released to all counselors/service providers within one week after the date of the entry of this order. Counselors/service providers are requested to provide the court with a written notice if a party fails to comply with the terms of this order as well as any recommendations for further counseling/therapy. (Such reports may be mailed to the Family Court of the Third Circuit, Hilo, at P. O. Box 1007, Hilo, Hawaii, 96721-1007 or Family Court of the Third Circuit, Kona, at Lender's Document Service Building, 77-6399 Nalani Street, Kailua-Kona, Hawaii, 96740.)

All orders contained in Part D hereof regarding services are automatically extended for one year from the date that the initial temporary restraining order for protection was issued to insure the completion of services as ordered. Only Part D orders are subject to automatic extension.

#### E. OTHER ORDERS

Petitioner and Respondent are required to appear before this Court for a review hearing which is scheduled for \_\_\_\_\_.M. on \_\_\_\_\_. 199\_\_\_\_\_. A bench warrant may be issued for the arrest of any party who fails to appear as directed.

Respondent/Petitioner shall pay the filing fee in this action by no later than one week after the date of the entry of this order.  Costs are waived.

The Department of Human Services shall investigate all allegations of harm or threatened harm involving the child(ren) in this family and shall provide a written or oral report to the court at or before the next hearing.

Respondent/Petitioner shall not possess or control any firearm(s) or ammunition for the duration of this order or any extension thereof, and shall turn over possession and control of any firearm(s) and ammunition to the police department of the county where he/she resides for safekeeping for the duration of this order or any extension of this order.

Any person prohibited from possessing or controlling firearm(s) or ammunition shall also immediately turn over all firearms permits, licenses, and/or other firearms registration forms to the police department of the county where he/she resides for the duration of this order or any extensions of this order. All firearm licenses or permits not turned over to the police as ordered are hereby revoked.

Any person prohibited from possessing or controlling firearm(s) or ammunition shall immediately deliver all firearm(s), ammunition, firearms licenses, and permits to the receiving desk of the police department sub-station where he/she resides.

Respondent/Petitioner is ordered to turn in the following weapons/ammunition which are under his/her possession and control: \_\_\_\_\_

For good cause shown, this order does not prohibit Respondent/Petitioner from possessing firearm(s) and ammunition under the following circumstances:

the protective order places no restrictions on the possession or control of firearms or ammunition.

the protective order restricts the possession or control of firearms or ammunition as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A copy of this order shall be released to the appropriate law enforcement and school authorities. Petitioner and Respondent shall provide the Court with his/her social security number, date of birth, mailing address and street address or residence location for record and service purposes.

*[Signature]* The terms and conditions of this order were explained to the parties in open court. The parties acknowledged that they understood the terms of this order and the possible criminal sanctions for violating the order. The parties shall each personally receive, read and sign for a filed copy of this order before they leave court today.

If the family situation changes and you wish to change any part of this Family Court Order for Protection you must return to court to request that a judge amend this order. To return to court to request a change in the order you must appear at this Court and sign a form requesting a change. You will be assigned a new court date at that time. Both parties must come to any court hearing that is scheduled. Until you return to court obey the terms of this order!

Any violation of this order is a misdemeanor, and is punishable by a jail term of up to one year, as well as a fine of up to \$2,000.

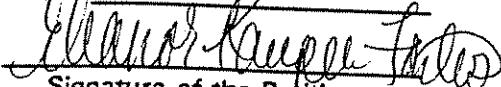
Dated: NOV 02 1999



JUDGE OF THE ABOVE- ENTITLED COURT

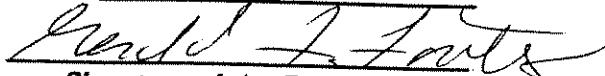
I have read and understand the terms of this order. I am leaving court today with a file-stamped copy of the order in my possession.

Date: NOV 02 1999



Signature of the Petitioner

Date: NOV 02 1999



Signature of the Respondent

Approved as to form:

                                  
Attorney for Petitioner

Approved as to form:

                                  
Attorney for Respondent

STATE OF HAWAII FAMILY COURT THIRD CIRCUIT	PROOF OF SERVICE	CASE NUMBER FC-DA 99-244K
<p>ELEANOR KAUPU-FONTES, Petitioner</p> <p>vs.</p> <p>GERALD FONTES, Respondent.</p>		

I served a certified copy of each document identified below by delivering to the following person(s):

PERSON(S) SERVED	DATE	TIME	PLACE
ELEANOR KAUPU-FONTES	NOV 02 1999	11:24 am	FAMILY COURT, THIRD CIRCUIT Lenders Document Service Building 77-6399 Nalani Street Kailua-Kona, Hawaii 96740
GERALD FONTES	NOV 02 1999	11:24 am	

#### DOCUMENTS SERVED

- FAMILY COURT ORDER FOR PROTECTION  AMENDED NOTICE OF HEARING
- AMENDED FAMILY COURT ORDER FOR PROTECTION

DATE <i>Nov 02 1999</i>	FAMILY COURT CLERK <i>Jesus Kicker</i>	<i>Jesus Kicker</i> CLERK FC-DA 99-244K 11/24/99
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STATE OF HAWAII  
FAMILY COURT  
THIRD CIRCUIT

## PROOF OF SERVICE

CASE NUMBER  
FC-DA NO.  
**9 9 - 244K**

Eleanor Kaup-Fontes

Hearing date: 11/02/99  
at 10:30 A.M.

US.

Gerald Fontes  
Respondent

I served a certified copy of each document identified below by delivering to the following person(s):

PERSON(S) SERVED	DATE	TIME	PLACE
Gerald Fontes	10-25-99	0914	OPUKEA ST.

## DOCUMENTS SERVED

- NOTICE OF TEMPORARY RESTRAINING ORDER AND NOTICE OF HEARING;  
 TEMPORARY RESTRAINING ORDER FOR PROTECTION; EX PARTE PETITION FOR A TEMPORARY RESTRAINING ORDER FOR PROTECTION; PETITIONER'S STATEMENT
- AMENDED NOTICE OF HEARING

DATE 10-25-99	POLICE OFFICER'S SIGNATURE <i>Cry et al</i>	BADGE/I.D. NUMBER 65
		T. DECKER, CLERK FAMILY COURT, 3RD CIRCUIT STATE OF HAWAII
1999 NOV -3 PM 4:08 <i>L. Decker</i>		
FILED		

STATE OF HAWAII FAMILY COURT THIRD CIRCUIT	MINUTES FOR CONTINUATION OR TERMINATION OF TRO	CASE NUMBER FC-DA NO. 99-244K
PETITIONER ELEANOR KAUPU-FONTES	RESPONDENT GERALD FONTES	
<p><b>PRESENT:</b></p> <p>DATE: 11/2/99 <input checked="" type="checkbox"/> PETITIONER <input type="checkbox"/> W/ ADVOCATE</p> <p>TIME: 11:05 TO 11:13 JUDGE: COLIN L. LOVE <u>KIMBERLY HAWKINS</u></p> <p>CLERK: SUSAN HANSON <input type="checkbox"/> W/ ATTORNEY</p> <p>BAILIFF: STEVEN AKI</p> <p>TAPE NO.: 028-02-99 <input checked="" type="checkbox"/> RESPONDENT <input type="checkbox"/> W/ ADVOCATE</p> <p>LOG NO.: 1954 TO 2269 <input type="checkbox"/> W/ ATTORNEY</p> <p><input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____</p>		
<p><b>SWORN AND TESTIFIED:</b> <input type="checkbox"/></p> <p><b>NOT PRESENT:</b></p> <p><input type="checkbox"/> PETITIONER <input type="checkbox"/> 3 calls, no response at _____ .m.</p> <p><input type="checkbox"/> RESPONDENT <input type="checkbox"/> 3 calls, no response at _____ .m.</p> <p><input type="checkbox"/> BW to issue, Bail fixed \$ _____</p>		
<p><b>COURT ACTION</b></p> <p><input type="checkbox"/> Order for Protection extended to _____</p> <p><input type="checkbox"/> Existing order continued in effect.</p> <p><input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent <input type="checkbox"/> Mutually <input type="checkbox"/> Other _____ Enjoined and Restrained from:  <input checked="" type="checkbox"/> Contacting <input type="checkbox"/> Petitioner <input type="checkbox"/> Each other <input type="checkbox"/> Other _____  <input checked="" type="checkbox"/> Threatening <input type="checkbox"/> Petitioner <input type="checkbox"/> Each other <input type="checkbox"/> Other _____  <input checked="" type="checkbox"/> Physically Abusing <input type="checkbox"/> Petitioner <input type="checkbox"/> Each other <input type="checkbox"/> Other _____  <input checked="" type="checkbox"/> Phoning <input type="checkbox"/> Petitioner <input type="checkbox"/> Each other <input type="checkbox"/> Other _____  <input checked="" type="checkbox"/> Damaging Property of <input type="checkbox"/> Petitioner <input type="checkbox"/> Each other <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Respondent <input type="checkbox"/> Petitioner <input type="checkbox"/> Mutually <input type="checkbox"/> Other _____ Ordered to stay away from <input checked="" type="checkbox"/> Residence of <u>Pet</u> _____ <input type="checkbox"/> Place of employment of _____</p> <p><input type="checkbox"/> Respondent <input checked="" type="checkbox"/> Petitioner granted temporary physical custody of child(ren) _____</p> <p><input type="checkbox"/> Respondent <input type="checkbox"/> Petitioner <input type="checkbox"/> Mutually <input type="checkbox"/> Other _____ Enjoined and restrained from removing the children from <u>County of Hawaii</u> _____</p> <p><input checked="" type="checkbox"/> Visitation of Children: <u>as agreed upon</u> _____</p>		
CLERK <u>Susan D. Hanson</u>	HEARING DATE: NOVEMBER 2, 1999	MINUTES FOR CONTINUATION OR TERMINATION OF TRO 3F-P-167

## CASE INDEX CARD

Client <b>FONTES, GERALD</b>	Def. number <b>97-1860</b>	Attorney <b>Hilo</b>	Date opened <b>2/20/97</b>	Date closed
Charges DUI + 4 N62839;N62840; 42741;43	Cl. number 42741;43	<input type="checkbox"/> JUV <input type="checkbox"/> IC <input type="checkbox"/> FEL <input type="checkbox"/> APP <input type="checkbox"/> PLS <input type="checkbox"/> OTHER <input type="checkbox"/> FAM <input type="checkbox"/> TRAF <input checked="" type="checkbox"/> MISD <input type="checkbox"/> PC <input type="checkbox"/> PROB		
Custody Status		Previous Public Defender Contact (list numbers)		
Address POB 6903 Oceanview 96737	Alternate Address or Method of Contact			Date of Birth <b>8-28-64</b>
Phone <b>939-9289</b>	Alternate Phone			
<b>COURT ACTIONS AND SPECIAL SERVICES</b>				
Next Date	Scheduled Action	Judge/Court	Result	
3/5/97	Plea 8:30 #3 (chqs frm Oahu)			
4-2-97	par D went out	IV 21 3-21-97/112		
4/2/97	#250 PBU			
9/5/97	A+P 830#3 WAB 8/19 920			